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**AUSTIN CITY COUNCIL
MINUTES**

**REGULAR MEETING
THURSDAY, OCTOBER 20, 2011**

Invocation: Pastor Randall Wyles, South Austin Church of the Nazarene

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed. The City Council of Austin, Texas, convened in a regular meeting on Thursday, October 20, 2011 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Leffingwell called the Council Meeting to order at 10:08 a.m.

Mayor Pro Tem Cole was absent from the Council Meeting.

CONSENT AGENDA

1. Approve the minutes of the Austin City Council work session of October 4, 2011 and special called meeting of October 7, 2011.

The minutes from the work session of October 4, 2011 and special called meeting of October 7, 2011 were approved on consent on Council Member Spelman's motion, Council Member Martinez' second on a 6-0 vote. Mayor Pro Tem Cole was absent.

2. Authorize the execution of an amendment to the Cost Reimbursement Agreement with NORTH I-35 BUSINESS PARK, L.P. to increase the amount of the City's cost reimbursement for construction costs to a total amount not to exceed \$326,000.

The motion authorizing the execution of an amendment to the cost reimbursement agreement with North I-35 Business Park, L.P. was approved on consent on Council Member Spelman's motion, Council Member Martinez' second on a 6-0 vote. Mayor Pro Tem Cole was absent.

Item 3 was pulled for discussion.

Item 4 was pulled to be heard after related item 84.

5. Authorize execution of a construction contract with CENTRAL ROAD AND UTILITY, LTD (MBE/MH-69.72%), AUSTIN, TX, for the Miscellaneous Water Rehab Project 2009-2010 Phase 2 in the amount of \$1,694,035.50 plus a \$169,400 contingency, for a total contract amount not to exceed \$1,863,435.50.

The motion authorizing the execution of a construction contract with Central Road and Utility, LTD was approved on consent on Council Member Spelman's motion, Council Member Martinez' second on a 6-0 vote. Mayor Pro Tem Cole was absent.

6. Authorize execution of a construction contract with MCLEAN CONSTRUCTION, INC., Killeen, TX for Service to Annexed Areas - Ferguson Cut-Off and Service to Annexed Areas - Pond Springs Road in the amount of \$363,837 plus a \$18,192 contingency, for a total contract amount not to exceed \$382,029.
The motion authorizing the execution of a construction contract with McLean Construction, Inc. was approved on consent on Council Member Spelman's motion, Council Member Martinez' second on a 6-0 vote. Mayor Pro Tem Cole was absent.

Item 7 was pulled for discussion.

8. Authorize execution of a construction contract with MUNIZ CONCRETE & CONTRACTING, INC., (MBE/MH- 60.57%), Austin, TX for the Congress Alley & Sixth Street Alley Reconstruction Project in the amount of \$237,677.87 plus an \$11,883.89 contingency, for a total contract amount not to exceed \$249,561.76.
The motion authorizing the execution of a construction contract with Muniz Concrete & Contracting, Inc. was approved on consent on Council Member Spelman's motion, Council Member Martinez' second on a 6-0 vote. Mayor Pro Tem Cole was absent.
9. Authorize execution of a construction contract with JD RAMMING PAVING CO, LTD., AUSTIN, TX for the ABIA General Aviation Apron Maintenance 2011 in an amount not to exceed \$374,090.45.
The motion authorizing the execution of a construction contract with JD Ramming Paving Co, LTD was approved on consent on Council Member Spelman's motion, Council Member Martinez' second on a 6-0 vote. Mayor Pro Tem Cole was absent.

Item 10 was pulled for discussion.

11. Approve payment of annual firefighter renewal certification fees to the Texas Commission on Fire Protection from the Austin Fire Department (AFD) in the amount of \$82,195 for Fiscal Year 2011-2012 and for the future annual recurring certification fees not to exceed \$120,000.
The motion to approve payment of annual firefighter renewal certification fees to the Texas Commission on Fire Protection was approved on consent on Council Member Spelman's motion, Council Member Martinez' second on a 6-0 vote. Mayor Pro Tem Cole was absent.
12. Approve an ordinance amending City Code Section 25-12-172 relating to restrictions on outdoor cooking and waiving the technical review board requirements of City Code section 25-1-502.
Ordinance No. 20111020-012 was approved on consent on Council Member Spelman's motion, Council Member Martinez' second on a 6-0 vote. Mayor Pro Tem Cole was absent.
13. Approve a resolution authorizing negotiation and execution of federal representative services contracts for a total combined amount not to exceed \$270,000.
Resolution No. 20111020-013 was approved on consent on Council Member Spelman's motion, Council Member Martinez' second on a 6-0 vote. Mayor Pro Tem Cole was absent.

Items 14 and 15 were pulled for discussion.

16. Authorize negotiation and execution of the extension of a legal services agreement with Scott, Douglas & McConnico, LLP for litigation services in connection with Spicewood Springs Road Tunnel Coalition et al v. City of Austin, Cause No. D-1-GN-11-000172 in the District Court of Travis County in the amount of \$47,000, for a total contract amount not to exceed \$122,000.
The motion authorizing the negotiation and execution of the extension of a legal services agreement with Scott, Douglas & McConnico, LLP was approved on consent on Council Member Spelman's motion, Council Member Martinez' second on a 6-0 vote. Mayor Pro Tem Cole was absent.

17. Approve the schematic design for the New Central Library Project and authorize the City Manager to proceed with the design development phase of the project.
The motion to approve the schematic design for the New Central Library Project and authorize the City Manager to proceed with the design development phase of the project was approved on consent on Council Member Spelman's motion, Council Member Martinez' second on a 6-0 vote. Mayor Pro Tem Cole was absent.

Item 18 was pulled for discussion.

19. Approve an ordinance authorizing acceptance of \$2,500,000 in grant funds from the Lead Hazard Reduction Demonstration Program of the United States Department of Housing and Urban Development; and amending the Fiscal Year 2011-2012 Neighborhood Housing and Community Development Office Operating Budget Special Revenue Fund (Ordinance No. 20110912-005) to appropriate \$2,500,000 for the City's LeadSmart Program to be used to provide lead testing and lead hazard control services.
Ordinance No. 20111020-019 was approved on consent on Council Member Spelman's motion, Council Member Martinez' second on a 6-0 vote. Mayor Pro Tem Cole was absent.
20. Approve an ordinance authorizing the City Manager to negotiate and execute refinancing of the balance owed on the Section 108 Loan B-94-MC-48-0500-A (series 2001-A), for the East 11th & 12th Street Revitalization as part of the U.S. Department of Housing and Urban Development's November 2011 public offering.
Ordinance No. 20111020-020 was approved on consent on Council Member Spelman's motion, Council Member Martinez' second on a 5-0 vote. Mayor Pro Tem Cole was absent. Council Member Spelman recused himself.
21. Authorize the negotiation and execution of all documents and instruments necessary or desirable for the acquisition of certain personal property located on 6.391 acres of land, more or less, consisting of 1.095 acres of land, more or less, out of Lot 1, Gregg & Bryant Subdivision, a subdivision in Travis County, Texas, and all of Lots A and B, The Flow Addition, a subdivision in Travis County, Texas, locally known as 2707 East State Highway 71 #4, #18, #23, and #30, from RICE PARK, INC. for the Airport Noise Mitigation Program, in the amount of \$92,100 for the personal property, plus eligible closing costs and moving related expenses up to \$17,500, for an amount not to exceed \$109,600.
The motion authorizing the negotiation and execution of all documents and instruments necessary or desirable for the acquisition of certain personal property was approved on consent on Council Member Spelman's motion, Council Member Martinez' second on a 6-0 vote. Mayor Pro Tem Cole was absent.
22. Authorize the negotiation and execution of all documents and instruments necessary or desirable for the acquisition of certain personal property located on 6.391 acres of land, more or less, consisting of 1.095 acres of land, more or less, out of Lot 1, Gregg & Bryant Subdivision, a subdivision in Travis County, Texas, and all of Lots A and B, The Flow Addition, a subdivision in Travis County, Texas, locally known as 2707 East State Highway 71 #17, #24, #34, #35, #36 and #38, from RICE PARK, INC. for the Airport Noise Mitigation Program, in the amount of \$69,700 for the personal property, plus eligible closing costs and moving related expenses up to \$5,000, for an amount not to exceed \$74,700.
The motion authorizing the negotiation and execution of all documents and instruments necessary or desirable for the acquisition of certain personal property from Rice Park, Inc. was approved on consent on Council Member Spelman's motion, Council Member Martinez' second on a 6-0 vote. Mayor Pro Tem Cole was absent.

Items 23 through 25 were pulled for discussion.

26. Approve an ordinance to amend Ordinance No. 20101014-054, to correct the address for the property known as 8011-B Cameron Road, located at 8011-B Cameron Road, Unit 100.

Ordinance No. 20111020-026 was approved on consent on Council Member Spelman's motion, Council Member Martinez' second on a 6-0 vote. Mayor Pro Tem Cole was absent.

27. Authorize award, negotiation, and execution of a professional services contract with JEFFREY A. PARKER & ASSOCIATES, INC., Philadelphia, PA, for financial advisory services, financial analysis and financial planning services related to rail transit alternatives in an amount not to exceed \$556,316.
The motion authorizing the award, negotiation and execution of a professional services contract with Jeffrey A. Parker & Associates, Inc. was approved on consent on Council Member Spelman's motion, Council Member Martinez' second on a 6-0 vote. Mayor Pro Tem Cole was absent.
28. Authorize award and execution of a 36-month requirements service contract with VILLEDA BUILDING SERVICE, LLC, Pflugerville, TX, for janitorial services at the Walnut Creek Wastewater Treatment Plant for the Austin Water Utility in an estimated amount not to exceed \$46,296, with three 12-month extension options in an estimated amount not to exceed \$15,432 per extension option, for a total estimated contract amount not to exceed \$92,592.
The motion authorizing the award and execution of a requirements service contract with Villeda Building Service, LLC was approved on consent on Council Member Spelman's motion, Council Member Martinez' second on a 6-0 vote. Mayor Pro Tem Cole was absent.
29. Authorize award and execution of Amendment No. 1 to add funding for the third year of the initial 36-month requirements contract with SPECIALIZED RESPONSE SOLUTIONS, Fort Worth, TX, for the cleaning, inspection and certification of bulk chlorine storage tanks at the Ulrich Water Treatment Plant for the Austin Water Utility, in an estimated amount not to exceed \$22,840, for a total of \$68,520.
The motion authorizing the award and execution of amendment number one to add funding for the third year of the initial requirements contract with Specialized Response Solutions was approved on consent on Council Member Spelman's motion, Council Member Martinez' second on a 6-0 vote. Mayor Pro Tem Cole was absent.
30. Authorize award and execution of a 24-month requirements supply contract with TEXAS ENTERPRISES, INC. dba ALLIED SALES COMPANY, Austin, TX, for the purchase of industrial lubricants for the Austin Water Utility in an estimated amount not to exceed \$379,834.92, with two 12-month extension options in an estimated amount not to exceed \$189,917.46 per extension option, for a total estimated contract amount not to exceed \$759,669.84. Recommended by the Electric Utility Commission.
The motion authorizing the award and execution of a requirements supply contract with Texas Enterprises, Inc. doing business as Allied Sales Company was approved on consent on Council Member Spelman's motion, Council Member Martinez' second on a 6-0 vote. Mayor Pro Tem Cole was absent.
31. Authorize award and execution of Amendment No. 4 to a 36-month requirements contract with JOSCO PRODUCTS, Austin, TX, for fiber optic towels used by various city departments for cleaning in an estimated amount not to exceed \$12,216.50 for a total \$58,128.37 with two extension options in the amount of \$12,216.50 per extension option, for a total contract amount not to exceed \$82,561.37.
The motion authorizing the award and execution of amendment number four to a requirements contract with Josco Products was approved on consent on Council Member Spelman's motion, Council Member Martinez' second on a 6-0 vote. Mayor Pro Tem Cole was absent.
32. Approve ratification of a contract through the Texas Local Government Purchasing Cooperative (BuyBoard) with INSITUFORM TECHNOLOGIES, INC., Houston, TX for emergency repairs to a water main break for the Austin Water Utility for a total contract amount not to exceed \$141,895.50.
The motion to ratify a contract through the Texas Local Government Purchasing Cooperative with Insituform Technologies, Inc. was approved on consent on Council Member Spelman's motion, Council Member Martinez' second on a 6-0 vote. Mayor Pro Tem Cole was absent.

33. Authorize award and execution of a 36-month requirements service contract with ACE FIRE EQUIPMENT CO., INC., Austin, TX, or one of the other qualified bidders for IFB-BV No. PAX0210, for fire alarm and fire suppression maintenance and repairs at Convention Center facilities in an estimated amount not to exceed \$910,000, with three 12-month extension options in estimated amounts not to exceed \$432,000 for the first extension option, \$518,400 for the second extension option, and \$622,080 for the third extension option, for a total estimated contract amount not to exceed \$2,482,480.
The motion authorizing the award and execution of a requirements service contract with Ace Fire Equipment Co., Inc. was approved on consent on Council Member Spelman's motion, Council Member Martinez' second on a 6-0 vote. Mayor Pro Tem Cole was absent.
34. Authorize award and execution of Amendment No. 4 to a requirements service contract with SYNAGRO OF TEXAS - CDR, INC., Tomball, TX, to provide biosolids hauling and land application for the Austin Water Utility, to exercise the holdover provisions of the contract for a period of 120 days and to include an increase in an amount not to exceed \$250,000, for a total revised contract amount not to exceed \$3,250,000.
The motion authorizing the award and execution of amendment number four to a requirements service contract with Synagro of Texas – CDR, Inc. was approved on consent on Council Member Spelman's motion, Council Member Martinez' second on a 6-0 vote. Mayor Pro Tem Cole was absent.
35. Authorize award and execution of Amendment No. 1 to a contract with TIME MANUFACTURING CO., dba VERSALIFT SOUTHWEST, Waco, TX, for the purchase of repair parts for Versalift Aerial Devices for Fleet Services to exercise the first 12-month extension option in an amount not to exceed \$30,000 and to authorize two additional 12-month extension options in an amount not to exceed \$30,000 per option, for a revised total estimated contract amount not to exceed \$180,000.
The motion authorizing the award and execution of amendment number one to a contract with Time Manufacturing Co. doing business as Versalift Southwest was approved on consent on Council Member Spelman's motion, Council Member Martinez' second on a 6-0 vote. Mayor Pro Tem Cole was absent.
36. Authorize award and execution of a 60-month service contract through the State of Texas Department of Information Resources (DIR) with XEROX CORPORATION, Austin, TX for the lease of multi-function document imaging machines and managed services in an estimated amount not to exceed \$1,636,887.
The motion authorizing the award and execution of a service contract through the State of Texas Department of Information Resource with Xerox Corporation was approved on consent on Council Member Spelman's motion, Council Member Martinez' second on a 6-0 vote. Mayor Pro Tem Cole was absent.
37. Authorize award and execution of a 36-month requirements supply contract with DOOLEY TACKABERRY INC., Deer Park, TX to provide firefighter helmets in an estimated amount not to exceed \$215,150, with three 12-month extension options in estimated amounts not to exceed \$86,515 for the first extension option, \$95,167 for the second extension option, and \$104,683 for the third extension option, for a total estimated contract amount not to exceed \$501,515.
The motion authorizing the award and execution of a requirements supply contract with Dooley Tackaberry Inc. was approved on consent on Council Member Spelman's motion, Council Member Martinez' second on a 6-0 vote. Mayor Pro Tem Cole was absent.
38. Authorize award, negotiation and execution of a 36-month requirements service contract with SUCCESSFACTORS (USA), San Mateo, CA for the purchase of an Application Service Provider (ASP) performance management hosted software subscription and software maintenance and support for Austin Energy in an estimated annual amount not to exceed \$259,531 with two 12-month extension options in an

estimated amount not to exceed \$259,531 per extension option, for a total estimated contract amount not to exceed \$778,593.

This item was withdrawn on consent on Council Member Spelman's motion, Council Member Martinez' second on a 6-0 vote. Mayor Pro Tem Cole was absent.

39. Authorize award and execution of Amendment No. 2 to a contract with OCCUPATIONAL HEALTH CENTERS OF THE SOUTHWEST PA dba CONCENTRA MEDICAL CENTERS, Round Rock, TX, to provide a medical surveillance program for Austin Energy to exercise the second 12-month option in an estimated amount not to exceed \$45,598, and authorize the final 12-month extension option in an estimated amount not to exceed \$45,598, for a revised contract amount not to exceed \$182,392.

The motion authorizing the award and execution of amendment number two to a contract with Occupational Health Centers of the Southwest PA doing business as Concentra Medical Centers was approved on consent on Council Member Spelman's motion, Council Member Martinez' second on a 6-0 vote. Mayor Pro Tem Cole was absent.

40. Authorize award, negotiation, and execution of a 12-month service agreement with SOCRATA, INC., Seattle, WA, to provide vendor-hosted open data platform services in an amount not to exceed \$66,000, with four 12-month extension options in an amount not to exceed \$36,000 per extension option, for a total contract amount not to exceed \$210,000.

The motion authorizing the award, negotiation and execution of a service agreement with Socrata, Inc. was approved on consent on Council Member Spelman's motion, Council Member Martinez' second on a 6-0 vote. Mayor Pro Tem Cole was absent.

41. Authorize award, negotiation, and execution of an 11-month contract with MICROSTRATEGY SERVICES CORPORATION, Vienna, VA, for the purchase of software support and maintenance for MicroStrategy business intelligence software in an amount not to exceed \$212,047.65, with four 12-month extension options in an amount not to exceed \$247,703.50 per extension option, for a total contract amount not to exceed \$1,202,861.65. Recommended by the Electric Utility Commission.

The motion authorizing the award, negotiation and execution of a contract with Microstrategy Services Corporation was approved on consent on Council Member Spelman's motion, Council Member Martinez' second on a 6-0 vote. Mayor Pro Tem Cole was absent.

42. Authorize award and execution of a 36-month service contract with ANDY J. WILHELM, SAN MARCOS, TX, or one of the other qualified bidders for IFB-BV No. SDC0164, for vegetation control at eighty creek buffer ponds for the Watershed Protection Department in an amount not to exceed \$90,240, with three 12-month extension options in an amount not to exceed \$30,080 per extension option, for a total contract amount not to exceed \$180,480.

The motion authorizing the award and execution of a service contract with Andy J. Wilhelm was approved on consent on Council Member Spelman's motion, Council Member Martinez' second on a 6-0 vote. Mayor Pro Tem Cole was absent.

43. Authorize award, negotiation, and execution of a 12-month requirements service contract with PARTNERS ASSURANCE, LLC., Millington, TN or one of the other qualified offerors to RFP No. JSD0109, to provide workers' compensation third party administrator, claims management audit services for the City of Austin in an estimated amount not to exceed \$31,150, with three 12-month extension options in estimated amounts not to exceed \$32,707 for the first extension option, \$34,340 for the second extension option, and \$36,057 for the third extension option, for a total estimated contract amount not to exceed \$134,254.

The motion authorizing the award, negotiation and execution of a requirements service contract with Partners Assurance, LLC was approved on consent on Council Member Spelman's motion, Council Member Martinez' second on a 6-0 vote. Mayor Pro Tem Cole was absent.

44. Authorize award, negotiation, and execution of a purchase contract with UNISON SOLUTIONS, INC., Dubuque, IA, or one of the other qualified offerors to RFP No. SMH0124, for the purchase of a biogas conditioning system for the Hornsby Bend Biosolids Management Plant in an estimated amount not to exceed \$1,206,300.
The motion authorizing the award, negotiation and execution of a purchase contract with Unison Solutions, Inc. was approved on consent on Council Member Spelman's motion, Council Member Martinez' second on a 6-0 vote. Mayor Pro Tem Cole was absent.
45. Authorize award and execution of a contract through the TEXAS MULTIPLE AWARD SCHEDULE (TXMAS) WITH ALPHA BUILDING CORPORATION, San Antonio, TX, for the installation of a sodium hypochlorite generation system and enclosure for the Austin Water Utility at the Onion Creek Wastewater Treatment Plant in an amount estimated not to exceed \$81,325.76.
The motion authorizing the award and execution of a contract through the Texas Multiple Award Schedule with Alpha Building Corporation was approved on consent on Council Member Spelman's motion, Council Member Martinez' second on a 6-0 vote. Mayor Pro Tem Cole was absent.
46. Authorize award and execution of Amendment No. 1 to a requirements service contract with TERRY S. MCGINTY dba TEXAS CLOSED CAPTIONING, Austin, TX, for real-time closed captioning services for regularly scheduled City Council meetings and for the Mayor's Committee for People with Disabilities meetings, to exercise the first 12-month extension option in an estimated amount not to exceed \$53,500, and to authorize two additional 12-month extension options in an estimated amount not to exceed \$53,500 per extension option, for a total revised contract amount not to exceed \$312,000.
The motion authorizing the award and execution of amendment number one to a requirements service contract with Terry S. McGinty doing business as Texas Closed Captioning was approved on consent on Council Member Spelman's motion, Council Member Martinez' second on a 6-0 vote. Mayor Pro Tem Cole was absent.
47. Authorize award, negotiation, and execution of a contract with INVENSYS SYSTEMS, INC., Houston, TX for the purchase of a control system upgrade at Austin Energy's Sand Hill Energy Center in an estimated amount not to exceed \$962,430. Recommended by the Electric Utility Commission.
The motion authorizing the award, negotiation and execution of a contract with Invensys Systems, Inc. was approved on consent on Council Member Spelman's motion, Council Member Martinez' second on a 6-0 vote. Mayor Pro Tem Cole was absent.
48. Authorize award and execution of a contract through the Texas Local Government Purchasing Cooperative (BuyBoard) with ADVANTAGE FACTORY, INC., Bellingham, WA, for the purchase of software implementation services and software support services for the Austin Regional Intelligence Center in an estimated amount not to exceed \$102,400.
The motion authorizing the award and execution of a contract through the Texas Local Government Purchasing Cooperative with Advantage Factory, Inc. was approved on consent on Council Member Spelman's motion, Council Member Martinez' second on a 6-0 vote. Mayor Pro Tem Cole was absent.
49. Authorize award and execution of a 12-month requirements supply contract through U. S. Communities Government Purchasing Alliance with SERVICEWEAR APPAREL, Nashville, TN, for the purchase of industrial and uniform clothing items in an amount not to exceed \$300,000.
The motion authorizing the award and execution of a requirements supply contract through U.S. Communities Government Purchasing Alliance with Servicewear Apparel was approved on consent on Council Member Spelman's motion, Council Member Martinez' second on a 6-0 vote. Mayor Pro Tem Cole was absent.

50. Authorize award and execution of Amendment No 6 to a requirements service contract with IRON MOUNTAIN, Austin, TX for records storage services for Austin Energy to extend the fourth and final 12-month extension option in an estimated amount not to exceed \$28,000, for a revised total estimated contract amount not to exceed \$192,000. Recommended by the Electric Utility Commission.

The motion authorizing the award and execution of amendment number six to a requirements service contract with Iron Mountain was approved on consent on Council Member Spelman's motion, Council Member Martinez' second on a 6-0 vote. Mayor Pro Tem Cole was absent.

Item 51 was pulled for discussion.

52. Approve appointments and certain related waivers to citizen boards and commissions, to Council subcommittees and other intergovernmental bodies and removal and replacement of members.

The following appointments were approved on consent on Council Member Spelman's motion, Council Member Martinez' second on a 6-0 vote. Mayor Pro Tem Cole was absent.

Board/Nominee

Nominated by

Downtown Austin Community Court Advisory Committee

Hugh Simonich

Council Member Morrison

Sign Review Board

Dan Graham

Mayor Leffingwell

Urban Renewal Board

Darwin McKee

Mayor Leffingwell

Zoning and Platting Commission

Jason Meeker

Council Member Morrison

Items 53 through 57 were pulled for discussion.

58. Approve a resolution directing the Planning Commission and the Comprehensive Plan Citizens Advisory Task Force to collaborate in reviewing the Imagine Austin Comprehensive Plan and to provide recommendations to the Comprehensive Planning and Transportation Committee; and directing the City Manager to support the Planning Commission and the Task Force in meeting its responsibilities. (Notes: SPONSOR: Council Member Laura Morrison CO 1: Council Member Kathie Tovo)

Resolution No. 20111020-058 was approved on consent on Council Member Spelman's motion, Council Member Martinez' second on a 6-0 vote. Mayor Pro Tem Cole was absent.

59. Approve a resolution amending Resolution No. 021003-40 to add the Gypsy Picnic Trailer Food Festival 2011 event as a City co-sponsored special event for this year, waive certain requirements, waive or reimburse certain fees, and authorize payment of certain costs for this event which is to be held on Saturday, October 22, 2011 at Auditorium Shores. (Notes: SPONSOR: Mayor Lee Leffingwell CO 1: Council Member Mike Martinez CO 2: Council Member Chris Riley)

Resolution No. 20111020-059 was approved on consent on Council Member Spelman's motion, Council Member Martinez' second on a 6-0 vote. Mayor Pro Tem Cole was absent.

Item 60 was pulled for discussion.

61. Approve the waiver of certain temporary vending permit fees for the 13th Annual Green Corn Project Fundraiser which is to be held on Sunday, October 23, 2011 at Boggy Creek Farm. (Notes: SPONSOR: Council Member Laura Morrison CO 1: Mayor Pro Tem Sheryl Cole CO 2: Council Member Chris Riley)

The motion to approve the waiver of certain temporary vending permit fees for the 13th Annual Green Corn Project Fundraiser was approved on consent on Council Member Spelman's motion, Council Member Martinez' second on a 6-0 vote. Mayor Pro Tem Cole was absent.

62. Approve the waiver of certain rental fees for the Homeless Memorial Sunrise Service event sponsored by House the Homeless, which is to be held on Sunday, November 13, 2011, at the Fannie Davis Gazebo on Auditorium Shores. (Notes: SPONSOR: Council Member Chris Riley CO 1: Council Member Mike Martinez)

The motion to approve the waiver of certain rental fees for the Homeless Memorial Sunrise Service event sponsored by House the Homeless was approved on consent on Council Member Spelman's motion, Council Member Martinez' second on a 6-0 vote. Mayor Pro Tem Cole was absent.

63. Approve the waiver of certain fees and requirements for the National Women of Achievement Hall of Fame / Profiles of Prominence event which is to be held on Saturday, March 31, 2012 at the George Washington Carver Museum and Cultural Center. (Notes: SPONSOR: Mayor Pro Tem Sheryl Cole CO 1: Mayor Lee Leffingwell CO 2: Council Member Chris Riley)

The motion to approve the waiver of certain fees and requirements for the National Women of Achievement Hall of Fame/Profiles of Prominence event was approved on consent on Council Member Spelman's motion, Council Member Martinez' second on a 6-0 vote. Mayor Pro Tem Cole was absent.

64. Approve the additional waiver of certain temporary vending permit fees for the 13th Annual Green Corn Project Fundraiser which is to be held on Sunday, October 23, 2011 at Boggy Creek Farm. (Notes: SPONSOR: Council Member Kathie Tovo CO 1: Council Member Mike Martinez)

The motion to approve the additional waiver of certain temporary vending permit fees for the 13th Annual Green Corn Project Fundraiser was approved on consent on Council Member Spelman's motion, Council Member Martinez' second on a 6-0 vote. Mayor Pro Tem Cole was absent.

Item 65 was pulled for discussion.

66. Approve the waiver of certain fees and requirements for the 38th Annual Fall String Festival sponsored by the Austin Independent School District which is to be held on Tuesday, November 8, 2011, at the Zilker Park Hillside Theatre. (Notes: SPONSOR: Council Member Kathie Tovo CO 1: Mayor Pro Tem Sheryl Cole CO 2: Council Member Mike Martinez)

The motion to approve the waiver of certain fees and requirements for the 38th Annual Fall String Festival was approved on consent on Council Member Spelman's motion, Council Member Martinez' second on a 6-0 vote. Mayor Pro Tem Cole was absent.

Item 67 was pulled for discussion.

68. Approve the waiver of certain fees and requirements under City Code Chapter 14-8 and authorize payment of certain costs for the City co-sponsored 2011 Veteran's Day Parade with Travis County Veterans Service Office, which is to be held on Friday, November 11, 2011 from the Ann Richards Congress Avenue Bridge to the Capitol Building. (Notes: SPONSOR: Mayor Lee Leffingwell CO 1: Council Member Mike Martinez CO 2: Council Member Kathie Tovo)

The motion to approve the waiver of certain fees and requirements and authorize payment of certain costs for the City co-sponsored 2011 Veteran's Day Parade with Travis County Veterans Service Office was approved on consent on Council Member Spelman's motion, Council Member Martinez' second on a 6-0 vote. Mayor Pro Tem Cole was absent.

69. Set a public hearing to be conducted in accordance with Section 26.001 et seq. of the Texas Parks and Wildlife Code to consider a resolution authorizing a temporary license agreement between the City of Austin and Austin Pets Alive permitting Austin Pets Alive to temporarily occupy and operate the Town

Lake Animal Center (TLAC) site at 1156 West Cesar Chavez, Austin, Texas, which is located on dedicated parkland known as Lamar Beach at Town Lake Park for a period of 12 months with one 6-month extension option. (Suggested date and time, November 10, 2011, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX.)

The public hearing was set on consent for November 10, 2011 at 4:00 p.m., City Hall at 301 W. Second Street, Austin, TX on Council Member Spelman's motion, Council Member Martinez' second on a 6-0 vote. Mayor Pro Tem Cole was absent.

Items 70 and 71 were briefing items set for 10:30 a.m.

Items 72 through 74 were Executive Session items.

Items 75 through 83 were zoning items set for 2:00 p.m.

Items 84 through 90 were public hearing items set for 4:00 p.m.

DISCUSSION ITEMS

3. Approve a resolution authorizing acceptance of grants from the Federal Aviation Administration, the Department of Homeland Security, and other agencies of the United States Government in an amount not to exceed \$30,000,000 to the City of Austin, Department of Aviation, for Austin-Bergstrom International Airport for Fiscal Year 2011-2012.

Resolution No. 20111020-003 was approved on Council Member Martinez' motion, Council Member Riley's second on a 6-0 vote. Mayor Pro Tem Cole was absent.

7. Authorize execution of a construction contract with OSCAR RENDA CONTRACTING, INC., Austin, TX for Waller Creek Tunnel Project - Inlet at Waterloo Park in the amount of \$27,825,000 plus a \$695,625 contingency, for a total contract amount not to exceed \$28,520,625.

The motion authorizing the execution of a construction contract with Oscar Renda Contracting, Inc. was approved on Council Member Spelman's motion, Council Member Martinez' second on a 6-0 vote. Mayor Pro Tem Cole was absent.

10. Authorize negotiation and execution of an amendment to the professional services agreement with BLACK & VEATCH CORPORATION, Austin, TX, for construction phase engineering services for the Jollyville Transmission Main from Water Treatment Plant 4 project, in the amount of \$7,000,000, for a total contract amount not to exceed \$17,550,000.

The motion authorizing the negotiation and execution of an amendment to the professional services agreement with Black & Veatch Corporation was approved on Council Member Martinez' motion, Mayor Leffingwell's second on a 6-0 vote. Mayor Pro Tem Cole was absent.

BRIEFINGS

70. Urban Parks Stakeholder briefing.

The presentation was made by Lynn Osgood, Urban Park Stakeholder Group.

71. Briefing on the Bi-Annual Downtown Survey.

The presentation was made by Molly Alexander, Manager of Downtown Austin Alliance, and Marie Crane, M. Crane & Associates Inc.

CITIZEN COMMUNICATIONS: GENERAL

CAROLANNEROSEKENNEDY - WASTING H2O AND SAVING FIRES IN TEXAS: SMOKEY THE BEAR WAS WRITE: ONLY Y'ALL CAN PREVENT HAUS FIRES

Rae Nadler-Olenick - Water fluoridation - a modest proposal

Jeff Williams - Smart grid technology

Norman Jacobson – General **Not present when name was called.**

Alan Roddy - The dark side of the moon

Roger Duck - Public housing dispersion

Richard Willard - Program designed to ensure that Austin has the highest voter turnout for the November 2012 elections. **Not present when name was called.**

Linda Greene - Why it is City Council's duty to end water fluoridation

Paul Roggins - City issues.

Mayor Leffingwell recessed the Council Meeting to go into Executive Session at 12:27 p.m.

EXECUTIVE SESSION

The City Council went into Executive Session, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel, to discuss matters of land acquisition, litigation, and personnel matters as specifically listed on this agenda and to receive advice from Legal Counsel regarding any other item on this agenda.

72. Discuss legal issues related to Open Government matters (Private consultation with legal counsel pursuant to Section 551.071 of the Government Code.)
This item was withdrawn.
73. Discuss legal issues related to City Council meeting rules and procedures (Private consultation with legal counsel pursuant to Section 551.071 of the Government Code).
74. Discuss legal issues related to rules of decorum during City Council meetings and rules and laws related to public access to City Hall (Private consultation with legal counsel pursuant to Section 551.071 of the Government Code).

Executive Session ended and Mayor Leffingwell called the Council Meeting back to order at 2:35 p.m.

DISCUSSION ITEMS CONTINUED

24. Authorize the negotiation of a temporary license agreement and such other related documents and instruments reasonably necessary to permit Austin Pets Alive to temporarily occupy and operate the Town Lake Animal Center located at 1156 W. Cesar Chavez, Austin, Texas, for a period of 12 months with one 6-month extension option while the City transitions its animal shelter operations to the new Austin Animal Center.
The motion authorizing the negotiation of a temporary license agreement and such other related documents and instruments reasonably necessary to permit Austin Pets Alive to temporarily occupy and operate the Town Lake Animal Center was approved on Council Member Martinez' motion, Council Member Morrison's second on a 6-0 vote. Mayor Pro Tem Cole was absent.

65. Approve the waiver of certain fees and requirements for the Austin CROP Hunger Walk which is to be held on Saturday and Sunday, March 3-4, 2012 at Walter E. Long Park. (Notes: SPONSOR: Council Member Chris Riley CO 1: Council Member Mike Martinez CO 2: Mayor Pro Tem Sheryl Cole)
The motion to approve the waiver of certain fees and requirements for the Austin CROP Hunger Walk was approved on Council Member Morrison's motion, Council Member Tovo's second on a 6-0 vote. Mayor Pro Tem Cole was absent. The Mayor and Council Members agreed to apply the following specified amounts to their individual waiver allocation budgets: Mayor Leffingwell - \$150; Council Member Morrison - \$300; and Council Member Tovo - \$150.00.
67. Approve the waiver of certain fees and requirements for the Ending Community Homelessness coalition (ECHO) 2011 Homeless Resource Fair Event, which is to be held on Saturday, November 5, 2011, at the Oswaldo A.B. Cantu Pan American Recreation Center. (Notes: SPONSOR: Mayor Pro Tem Sheryl Cole CO 1: Council Member Laura Morrison CO 2: Council Member Mike Martinez)
The motion to approve the waiver of certain fees and requirements for the Ending Community Homelessness coalition 2011 Homeless Resource Fair Event was approved on Council Member Riley's motion, Council Member Morrison's second on a 6-0 vote. The Mayor and Council Member agreed to apply the following specified amounts to their individual waiver allocation budgets: Mayor Leffingwell - \$200 and Council Member Riley - \$300.

ZONING CONSENT ITEM (HEARINGS CLOSED)

75. C14-2011-0049 - Pioneer Hill - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 9900-10324 Dessau Road (Lake Creek Watershed) from traditional neighborhood district (TND) zoning to multi-family residence-limited density-conditional overlay (MF-1 -CO) combining district zoning for Tract 1, townhouse and condominium residence-conditional overlay (SF-6 -CO) combining district zoning for Tract 2, multi-family residence-medium density-conditional overlay (MF-3 -CO) combining district zoning for Tract 3, community commercial-conditional overlay (GR-CO) combining district zoning for Tract 4, and limited industrial service-conditional overlay (LI -CO) combining district zoning for Tracts 5A and 5B, with conditions. First Reading approved with conditions on August 4, 2011. Vote: 7-0. Second Reading approved with additional conditions on September 22, 2011. Vote: 5-0, Council Members Martinez and Spelman-off the dais. Owner/Applicant: Continental Homes of Texas, LP/D.R. Horton (Richard N. Maier), Estate of Fred Morse (Scott Morse). Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Sherri Sirwaitis, 974-3057.
This item was postponed to November 10, 2011 at the applicant's request on Council Member Morrison's motion, Council Member Spelman's second on a 6-0 vote. Mayor Pro Tem Cole was absent.

ZONING CONSENT ITEMS (PUBLIC HEARINGS)

The following zoning items were acted on by one motion. No separate action occurred on any of the items.

76. C814-2009-0139.02 - Bull Creek PUD Amendment #2 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning and rezoning property locally known as 4909 FM 2222 (Bull Creek Watershed; Lake Austin Watershed) from planned unit development (PUD) district zoning and interim-lake austin (I-LA) district zoning to planned unit development (PUD) district zoning. Staff Recommendation: To grant planned unit development (PUD) district zoning. Zoning and Platting Commission Recommendation: To be reviewed on October 18, 2011. Owner/Applicant: Booth Family Living Trust (David Booth). Agent: Armbrust & Brown, L.L.P. (David Armbrust). City Staff: Clark Patterson, 974-7691.
This item was postponed on consent to November 10, 2011 at the staff's request on Council Member Spelman's motion, Council Member Martinez' second on a 6-0 vote. Mayor Pro Tem Cole was absent.

77. C14-2011-0047 - 801 S. Lamar - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 801 South Lamar Boulevard (West Bouldin Creek Watershed) from family residence (SF-3) district zoning to general commercial services-vertical mixed use building (CS-V) combining district zoning. Staff Recommendation: To grant general commercial services-vertical mixed use building (CS-V) combining district zoning. Planning Commission Recommendation: To grant general commercial services-vertical mixed use building (CS-V) combining district zoning. Owner/Applicant: 801 Ltd., (Daryl Kunik). Agent: Thrower Design (Ron Thrower). City Staff: Stephen Rye, 974-7604.
This item was postponed on consent to December 15, 2011 at the applicant's request on Council Member Spelman's motion, Council Member Martinez' second on a 6-0 vote. Mayor Pro Tem Cole was absent.
78. C14-2011-0061 - 3635 North Hills Drive - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3635 North Hills Drive (Dry North Creek Watershed) from neighborhood commercial (LR) district zoning to community commercial (GR) district zoning. Staff Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Applicant: TSI North Hills Pad, Ltd (Fred H. Thomas). Agent: McLean & Howard (Jeff Howard) City Staff: Clark Patterson, 974-7691.
The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20111020-078 for community commercial-conditional overlay (GR-CO) combining district zoning was approved on consent on Council Member Spelman's motion, Council Member Martinez' second on a 6-0 vote. Mayor Pro Tem Cole was absent.
80. C14-2011-0080 - Gyro Plus, L.L.C. - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5106 Nixon Lane (Walnut Creek Watershed) from neighborhood commercial-conditional overlay (LR-CO) combining district zoning and single family residence-standard lot (SF-2) district zoning to community commercial (GR) district zoning. Staff Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Owner/Agent Gyro Plus, L.L.C. (Mohammad Arami). City Staff: Clark Patterson, 974-7691.
The public hearing was conducted and the motion to close the public hearing and adopt first reading of the ordinance for community commercial-conditional overlay (GR-CO) combining district zoning was approved on consent on Council Member Spelman's motion, Council Member Martinez' second on a 6-0 vote. Mayor Pro Tem Cole was absent.
81. C14-2011-0094 - 1414 W. Oltorf - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1414 West Oltorf Street (West Bouldin Creek Watershed) from family residence (SF-3) district zoning to general commercial services (CS) district zoning. Staff Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning. Planning Commission Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning. Owner/Applicant: JSTRAIN, LLC., (Scott Trainer). Agent: LOC Consultants, LLP., (Sergio Sanchez). City Staff: Stephen Rye, 974-7604.
The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20111020-081 for general commercial services-conditional overlay (CS-CO) combining district zoning was approved on consent on Council Member Spelman's motion, Council Member Martinez' second on a 6-0 vote. Mayor Pro Tem Cole was absent.
82. C14-2011-0096 - 6405 Hergotz - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6405 Hergotz Lane (Carson Creek

Watershed; Colorado River Watershed) from family residence (SF-3) district zoning to multi-family residence-limited density-conditional overlay (MF-1-CO) combining district zoning. Staff Recommendation: To grant townhouse and condominium residence (SF-6-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant multi-family residence-limited density-conditional overlay (MF-1-CO) combining district zoning. Owner/Applicant: Artie Osborn. Agent: Rock Ridge Consulting (Jim Herbert). City Staff: Wendy Rhoades, 974-7719.

The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20111020-082 for multi-family residence-limited density-conditional overlay (MF-1-CO) combining district zoning was approved on consent on Council Member Spelman's motion, Council Member Martinez' second on a 6-0 vote. Mayor Pro Tem Cole was absent.

83. C14-2011-0103 - IBC Mueller View - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1206, 1208, 1210, 1212, 1216 and 1218 East 51st Street (Tannehill Creek Watershed) from community commercial-mixed use-vertical mixed use building-conditional overlay- neighborhood plan (GR-MU-V-CO-NP) combining district zoning to community commercial-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (GR-MU-V-CO-NP) combining district zoning, to change a condition of zoning. Staff Recommendation: Recommendation pending. Planning Commission Recommendation: To be reviewed on October 25, 2011. Owner/Applicant: Tommie Bernal; Gary & Doyle Valdez, Larry Bartling, Thomas McDonald; Mueller View, L.P.; Austin Gay and Lesbian International Film Festival. Agent: Graves, Dougherty, Hearon & Moody, P.C. (Peter Cesaro). City Staff: Clark Patterson, 974-7691.

This item was postponed on consent to December 8, 2011 at the staff's request on Council Member Spelman's motion, Council Member Martinez' second on a 6-0 vote. Mayor Pro Tem Cole was absent.

ZONING DISCUSSION ITEM

79. C14-2011-0066 - Creekside - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5616 South 1st Street (Williamson Creek Watershed) from community commercial-conditional overlay (GR-CO) combining district zoning to townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning. Staff Recommendation: To grant townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning with conditions. Zoning and Platting Commission Recommendation: To grant townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning with conditions. Owner/Applicant: Equilibrium Development (Brad Schubert). Agent: PSW Homes (Ryan Diepenbrock). City Staff: Wendy Rhoades, 974-7719.

The public hearing was conducted and a motion was made by Council Member Spelman and seconded by Council Member Morrison to close the public hearing and adopt the first reading of the ordinance for townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning with conditions. Direction was given to staff to provide emergency, bike and pedestrian access to Leisure Run Road.

A substitute motion was made by Council Member Riley and seconded by Council Member Martinez to close the public hearing and adopt the first reading of the ordinance for townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning with conditions and allowing full access to Leisure Run Road. This motion failed on a vote of 2-4. Those voting aye were: Council Members Martinez and Riley. Those voting nay were: Mayor Leffingwell and Council Members Morrison, Spelman and Tovo. Mayor Pro Tem Cole was absent.

The public hearing was conducted and the motion to close the public hearing and adopt the first reading of the ordinance for townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning with conditions was approved on Council Member Spelman's motion,

Council Member Morrison's second on a 6-0 vote. Mayor Pro Tem Cole was absent. Direction was given to staff to provide emergency, bike and pedestrian access to Leisure Run Road.

DISCUSSION ITEMS CONTINUED

14. Approve a resolution authorizing negotiation and execution of state legislative representative services contracts for a total combined amount not to exceed \$678,028. Recommended by the Electric Utility Commission.
Resolution No. 20111020-014 was approved on Council Member Spelman's motion, Council Member Martinez' second on a 6-0 vote. Mayor Pro Tem Cole was absent.
15. Approve a resolution confirming the re-appointment of Herbert Martinez to the Firefighters' and Police Officers' Civil Service Commission for a term expiring November 1, 2014.
Resolution No. 20111020-015 was approved on Council Member Martinez' motion, Council Member Spelman's second on a 6-0 vote. Mayor Pro Tem Cole was absent.
18. Authorize an additional two-month extension to the existing agreement with the Urban Renewal Agency of the City of Austin relating to roles, responsibilities and processes for the redevelopment of the East 11th and 12th Street Revitalization Project.
The motion authorizing an additional extension to the existing agreement with the Urban Renewal Agency of the City of Austin was approved on Council Member Martinez' motion, Council Member Riley's second on a 5-0 vote. Mayor Pro Tem Cole was absent. Council Member Spelman recused himself.
23. Approve an ordinance vacating a 0.0996 acre tract located northwest of and adjacent to 3500 Crawford Avenue, Austin, Texas, between West 35th Street and West 35th Street Cutoff, and consisting of a portion of lots 3, 4, 5 and 6, Block 18, Glenridge Subdivision, recorded in Book 1, Page 65 of the Plat Records of Travis County, Texas.
Ordinance No. 20111020-023 was approved on Council Member Riley's motion, Mayor Leffingwell's second on a 6-0 vote. Mayor Pro Tem Cole was absent.
25. Approve an ordinance amending the City Code to add a new Article 7 to Chapter 8-1 to authorize the City Manager and the director of the Parks and Recreation Department to issue burn ban orders for city parks and nature preserves; creating an offense and imposing a penalty, and declaring an emergency.
Ordinance No. 20111020-025 was approved on Council Member Martinez' motion, Council Member Spelman's second on a 6-0 vote. Mayor Pro Tem Cole was absent.
51. Approve an ordinance amending Chapter 2-7, Article 6 of the City Code relating to anti-lobbying and procurement.
The first reading of the ordinance was approved on Council Member Morrison's motion, Council Member Martinez' second on a 6-0 vote. Mayor Pro Tem Cole was absent. Direction was given to staff to take to the Ethics Commission and bring back to Council with any recommended changes.
53. Approve second/third readings of an ordinance amending City Code Chapter 13-2, Article 2, Division 2, to add a new Subpart G establishing regulations for the operation of electric low-speed vehicles for hire, and providing for criminal penalties (Notes: SPONSOR: Council Member Chris Riley CO 1: Council Member Mike Martinez CO 2: Council Member Kathie Tovo)
Ordinance No. 20111020-053 was approved on Council Member Martinez' motion, Council Member Morrison's second on a 5-1 vote. Mayor Leffingwell voted nay. Mayor Pro Tem Cole was absent. The friendly amendment from Council Member Riley was to delete section 13-2-289(B) and renumber subsection (C) to (B) in section 13-2-289 in the ordinance. The amendment was accepted by the maker of the motion and by Council Member Morrison who made the second.

54. Approve a resolution directing the City Manager to explore the implementation of smartphone technology and the use of volunteers to report abuse of disabled parking and report recommendations to Council within 90 days. (Notes: SPONSOR: Council Member Chris Riley CO 1: Mayor Lee Leffingwell CO 2: Council Member Mike Martinez)

Resolution No. 20111020-054 was approved on Council Member Martinez' motion, Council Member Riley's second on a 6-0 vote. Mayor Pro Tem Cole was absent.

55. Approve a resolution directing the City Manager to prepare an ordinance that prohibits smoking in City parks. (Notes: SPONSOR: Council Member Laura Morrison CO 1: Council Member Mike Martinez CO 2: Council Member Kathie Tovo)

Resolution No. 20111020-055 was approved with the following amendments on Council Member Martinez' motion, Council Member Morrison's second on a 6-0 vote. Mayor Pro Tem Cole was absent.

The friendly amendment from Council Member Morrison was to provide the ordinance to the Golf Advisory Board. The amendment was accepted by the maker of the motion.

The friendly amendment from Council Member Spelman was to insert an additional WHEREAS section and to amend the BE IT RESOLVED section in the ordinance to read as follows. The amendment was accepted by the maker of the motion and by Council Member Morrison who made the second.

"WHEREAS, The need to balance the benefits of smoking prohibition against the costs of enforcement may require that exceptions be made, particularly for special events and designated smoking locations; and

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager is directed to draft an ordinance that prohibits smoking in City of Austin parks, including any recommended exceptions, provide the ordinance to the Parks and Recreation Board and the Golf Advisory Board for review, and present the ordinance to City Council for consideration by December 8, 2011."

56. Approve a resolution detailing the Holly Good Neighbor Program funding plan for Fiscal Year 2011-2012, directing the City Manager to allocate \$125,000 from the Holly Grants Assistance Program for various community outreach programs for Fiscal Year 2011-2012, and allocating \$25,000 from the Holly Good Neighbor Program "Cultural Arts Projects" fund in the FY 2011-12 Austin Energy operating budget to fund the Viva La Vida Fest 2011: 28th Annual Dia de los Muertos celebration to be held October 22, 2011. (Notes: SPONSOR: Council Member Mike Martinez CO 1: Mayor Lee Leffingwell CO 2: Council Member Chris Riley)

Resolution No. 20111020-056 was approved on Council Member Martinez' motion, Council Member Riley's second on a 6-0 vote. Mayor Pro Tem Cole was absent.

PUBLIC HEARINGS AND POSSIBLE ACTION

85. Conduct a public hearing and consider an ordinance amending Chapters 25-1 and 25-2 of the City Code to modify requirements for open space (C20-2010-020).

This item was postponed to November 3, 2011 on Council Member Morrison's motion, Council Member Spelman's second on a 6-0 vote. Mayor Pro Tem Cole was absent.

86. Conduct a public hearing to consider an appeal by Richard Kooris of the Planning and Development Review Department's decision to deny an Outdoor Music Venue Permit for East Side Drive In, located at 1001 E. 6th Street.

This item was withdrawn without objection.

Mayor Leffingwell recessed the Council Meeting at 5:33 p.m.

LIVE MUSIC

Meggan Carney

PROCLAMATIONS

Proclamation -- Disability Mentoring Day -- to be presented by Mayor Lee Leffingwell and to be accepted by Denise Sonleitner

Certificates of Appreciation -- PARD Partners in the Arts -- to be presented by Mayor Lee Leffingwell and to be accepted by the honorees

2011 Code Professional of the Year Award -- to be presented by Lawrence Crow, Building Officials Association of Texas, and to be accepted by Dan McNabb, Planning Development Review Department

Distinguished Service Award - In Memoriam -- Peggy Jennings -- to be presented by Council Member Chris Riley and to be accepted by family members

Proclamation -- Food Day -- to be presented by Council Member Mike Martinez and to be accepted by Marla Camp

Proclamation -- Domestic Violence Awareness Month -- to be presented by Council Member Laura Morrison and to be accepted by Gretta Gardner

Mayor Leffingwell called the Council Meeting back to order at 7:03 p.m.

DISCUSSION ITEMS CONTINUED

57. Approve a resolution affirming the City's support of the 100 Homes Campaign and directing the City Manager to provide resources to ensure its success. (Notes: SPONSOR: Council Member Chris Riley CO 1: Council Member Mike Martinez)

Resolution No. 20111020-057 was approved on Council Member Martinez' motion, Council Member Riley's second on a 6-0 vote. Mayor Pro Tem Cole was absent.

60. Approve a resolution to accept the recommendations of the Joint Subcommittee of the City, Austin Independent School District, and Travis County to increase literacy, and authorize the Subcommittee to oversee the development and enhancement of programs that support increasing literacy rates and skills. (Notes: SPONSOR: Mayor Lee Leffingwell CO 1: Council Member Laura Morrison CO 2: Council Member Kathie Tovo)

Resolution No. 20111020-060 was approved on Council Member Morrison's motion, Council Member Tovo's second on a 6-0 vote. Mayor Pro Tem Cole was absent.

PUBLIC HEARINGS AND POSSIBLE ACTION

Items 84 and 4 were acted on in a combined motion.

84. Conduct a public hearing to receive public comment on the City's intent to continue to tax tangible personal property in transit, which would otherwise be exempt from taxation under Texas Tax Code Section 11.253, as amended by SB 1 of the 82nd Legislature. Related to Item # 4.

The public hearing was conducted and the motion to close the public hearing was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Mayor Pro Tem Cole was absent.

4. Approve an ordinance electing to continue to tax tangible personal property in transit, which would otherwise be exempt from taxation under Texas Tax Code Section 11.253, as amended by SB 1 of the 82nd Legislature. Related to Item # 84.
Ordinance No. 20111020-004 was approved on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Mayor Pro Tem Cole was absent.
87. Conduct a public hearing and consider an ordinance amending Chapter 25-12, Article 1 of the City Code (Building Code) to amend the local amendments to the Building Code.
The public hearing was conducted and the motion to close the public hearing and adopt the first reading of the ordinance was approved on Council Member Spelman's motion, Council Member Morrison's second on a vote. Mayor Pro Tem Cole was absent.
88. Conduct a public hearing and consider an ordinance amending Chapter 25-12-133, Article 5 of the City Code (Mechanical Code) amending certain local amendments.
The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20111020-088 was approved on consent on Council Member Martinez' motion, Council Member Spelman's second on a 6-0 vote. Mayor Pro Tem Cole was absent.
89. Conduct a public hearing and consider an ordinance repealing and replacing Article 4 (Electrical Code) of Chapter 25-12 of the City Code to adopt the 2011 National Electrical Code, and adopting certain local amendments to the Electrical Code.
The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20111020-089 was approved on Council Member Spelman's motion, Council Member Martinez' second on a 6-0 vote. Mayor Pro Tem Cole was absent.
90. Conduct a public hearing and consider an ordinance amending Article 6 of Chapter 25-12-153 (Plumbing Code) of the City Code to amend local amendments.
The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20111020-090 was approved on Council Member Tovo's motion, Council Member Martinez' second on a 6-0 vote. Mayor Pro Tem Cole was absent.

Mayor Leffingwell adjourned the meeting at 7:16 p.m. without objection.

The minutes for the regular meeting of October 20, 2011 were approved on this the 3rd day of November 2011 on Council Member Martinez' motion, Council Member Riley's second on a 7-0 vote.